

1 DENNIS S. ELLIS (SB# 178196)  
2 dennisellis@paulhastings.com  
3 KATHERINE F. MURRAY (SB# 211987)  
4 katherinemurray@paulhastings.com  
5 SERLI POLATOGLU (SB# 311021)  
6 serlipolatoglu@paulhastings.com  
7 PAUL HASTINGS LLP  
8 515 South Flower Street  
9 Twenty-Fifth Floor  
Los Angeles, California 90071-2228  
Telephone: (213) 683-6000  
Facsimile: (213) 627-0705

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8 Attorneys for Defendants L'ORÉAL USA,  
9 INC., L'OREAL USA PRODUCTS, INC.,  
L'OREAL USA S/D, INC. and REDKEN 5<sup>TH</sup>  
AVENUE NYC, LLC

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12  
13 IN RE SUBPOENAS *DUCES TECUM*  
14 AND TO TESTIFY AT DEPOSITION  
TO COSWAY CO.

15 LIQWD, INC. and OLAPLEX LLC,

16 Plaintiffs,

17 vs.

18 L'ORÉAL USA, INC., L'ORÉAL USA  
19 PRODUCTS, INC., L'OREAL USA  
20 S/D, INC. and REDKEN 5<sup>TH</sup> AVENUE  
NYC, LLC,

21 Defendants.

CASE NO. 2:19-mc-00015

Underlying Litigation  
Civil Action No. 17-14-JFB-SRF  
United States District Court  
District of Delaware

Third-Party Discovery Cutoff:  
January 25, 2019  
Pretrial Conference: June 4, 2019  
Trial: July 29, 2019

**[DISCOVERY MATTER]**

**DEFENDANTS' MOTION TO  
COMPEL NON-PARTY  
COSWAY CO. TO COMPLY  
WITH SUBPOENA *DUCES  
TECUM* AND TO TESTIFY AT  
DEPOSITION**

Date:  
Time:  
Dept.:  
Judge:

26 [Joint Stipulation and Declaration of  
27 Katherine F. Murray Filed and Served  
Concurrently Herewith]  
28

DEFS.' MOTION TO COMPEL  
COMPLIANCE WITH SUBPOENA

1                   TO PLAINTIFFS, COSWAY CO., AND THEIR COUNSEL OF RECORD:  
 2                   Defendants L'Oréal USA, Inc., L'Oréal USA Products, Inc., L'Oréal USA  
 3 S/D, Inc., and Redken 5<sup>th</sup> Avenue NYC, LLC (together, "L'Oréal USA") will, and  
 4 hereby do, move this Court pursuant to Federal Rules of Civil Procedure ("Rule")  
 5 37 and 45 to compel third-party Cosway Co.'s ("Cosway") compliance with the  
 6 Subpoena to Testify in a Civil Action with request to produce documents (the  
 7 "Subpoena") L'Oréal USA served on December 3, 2018, in connection with *Liquid*,  
 8 *Inc. v. L'Oréal USA, Inc.*, Civil Action No. 17-14-JFB-SRF, pending in the United  
 9 States District Court for the District of Delaware (the "Underlying Action").

10                  This Court should compel Cosway to comply with the Subpoena, and award  
 11 L'Oréal USA all costs and fees associated with bringing this Motion. Fed. R. Civ.  
 12 P. 37(a), (b). The information sought in the Subpoena is plainly relevant to  
 13 defenses L'Oréal USA has asserted in the Underlying Action. Indeed, the District  
 14 of Delaware has already determined as much. Moreover, Cosway did not timely  
 15 object or otherwise respond to the Subpoena, and has thereby waived all objections  
 16 thereto. Alternatively, if this Court is so inclined, L'Oréal USA requests that this  
 17 matter be immediately transferred to the District of Delaware for prompt resolution.  
 18 Fed. R. Civ. P. 45(f).

19                  This Motion is made following the conference of counsel pursuant to Local  
 20 Rule 37-2. This Motion is based on this Motion, the Joint Stipulation in support  
 21 hereof, the Declaration of Katherine F. Murray filed and served concurrently  
 22 herewith, the pleadings, records and files in this action, those matters of which this  
 23 Court may take judicial notice, and on such further evidence and argument as may  
 24 be presented prior to or at the time of the hearing.

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1 DATED: January 29, 2019

PAUL HASTINGS LLP

2 By: \_\_\_\_\_ /s/

3 Katherine F. Murray

4 Attorneys for Defendants  
5 L'ORÉAL USA, INC., L'ORÉAL USA  
6 PRODUCTS, INC., L'ORÉAL USA  
7 S/D, INC. and REDKEN 5<sup>TH</sup> AVENUE  
NYC, LLC

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